



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.03.2017

CORAM:

THE HON'BLE MR. JUSTICE G. CHOCKALINGAM

W.P (MD) No.1791 of 2017

R.Gomathy Nayagam

: Petitioner

-vs-

1.The Deputy Superintendent of Police,
Economics Offences Wing-ii,
Madurai.

2.The Inspector of Police,
Economics Offences Wing,
Madurai.

3.Madurai Rural Development Transformation
India Ltd (Group Companies),
Rep by its Managing Director M.Suresh Batcha,
No.32, TNHB Colony,
Railor Nagar, Koodal Nagar,
Madurai.

: Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for the issuance of Writ of Mandamus, to direct the respondents 1 and 2 to consider the petitioner's representation, dated 19.08.2015 and pass orders to direct the respondents to consider the petitioner's claim of return of money from the 3rd respondent within a period stipulated by this court.

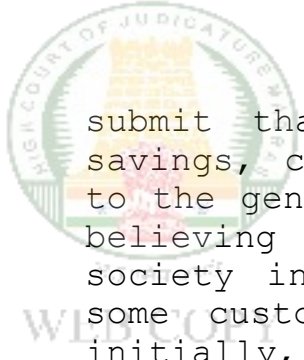
For Petitioner	:	Mr.M.Mohamed Sherbudeen
For R1 and R2	:	Mr.B.Pugalendi
		Additional Advocate General
		for Mr.K.P.Krishnadoss
		Government Advocate

O R D E R

This writ petition has been filed for issuance of a Writ of Mandamus, to direct the respondents 1 and 2 to consider the petitioner's representation, dated 19.08.2015 and also to direct the respondents to consider the petitioner's claim for return of money from the 3rd respondent.

<https://hcservices.ecourts.gov.in/hcservices/>

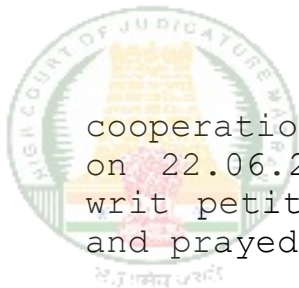
2.The learned counsel appearing for the petitioner would



submit that the 3rd respondent started to call for deposits, savings, chits, recurring deposits and other scheme and informed to the general public that they will offer higher interest and by believing the words, the petitioner and other members of the society invested amount in the MRDT company and also canvassed some customers to invest money in the said company and that initially, the said company repaid the interest and drastically stopped the payment of interest and started to pacify the customers.

3.It is further submitted that several complaints were filed against the said company and a writ petition in W.P.No.15200 of 2014 was filed by the 3rd respondent and the same was dismissed and against which, appeal filed in W.A.No.1267 of 2014 and the same was also dismissed on 14.11.2014 and in the appeal proceedings, the Government informed that to settle the dispute, the Government will be constituted a committee in order to process and refund of investors and that a committee was constituted and that in view of the above stated position, the petitioner has made a detailed complaint on 19.08.2015 before the 1st respondent and after receiving the same, till date the same was not considered. Hence, the petitioner has come forward before this court seeking the relief as stated above.

4.The learned Additional Advocate General appearing for the respondents 1 and 2 would submit that the petitioner has sought for transfer of the investigation of the case in Crime No.43 of 2014 on the file of the District Crime Branch, Madurai to the Central Bureau of Investigation and to return of the deposit and that after registration of the above said case, the petitioner has not approached the police and now after a lapse of three years, he filed the writ petition as if he invested huge money as deposit and claimed refund. It is further submitted that the petitioner had been acting as an Agent of the 3rd respondent company and the 3rd respondent has registered under the Companies Act without obtaining requisite permission from the Reserve Bank of India and SEBI, had collected deposits by offering huge rate of interest as 35% to 45% and based on the complaint given by one Vetrivel, FIR has been registered in Crime No.43 of 2014 on the file of the District Crime Branch and subsequently, the case was transferred to the Economic Offences Wing-II, Madurai and further, on the complaint given by one V.S.Jeyakumar a case in Crime No.4 of 2014 was registered under sections 406, 420, 120(b) IPC r/w section 5 of TNPID Act on the file of the EOW-II, Madurai and both the cases are clubbed and charge sheet have already been filed before the Special Court, and proposals have been sent to the Government and the District Revenue Officer, who is the competent authority has filed two Original Applications in O.A.Nos.3 and 4 of 2016 under sections 406, 420, 120(b) IPC r/w section 5 of TNPID Act for making absolute attachment of the property and as per the direction issued in W.A(MD)No.1267 of 2014, the Government constituted a Committee and due to non



cooperation of the accused, this court has closed the writ appeal, on 22.06.2016. In view of the above circumstances, the present writ petition filed by the petitioner is not maintainable in law and prayed for the dismissal of the writ petition.

5. Heard both sides and perused the materials available on record.

6. It is seen from the counter affidavit filed by the 1st respondent would show that a case was registered by EOW-II, Madurai, in crime No.43 of 2014 and subsequently, the case was taken on file in C.C.No.11 of 2015 on the file of the Special Court for TNPID Act cases, Madurai and the matter is seized by the competent court. Hence, this court is of the considered view that if at all the petitioner is any grievance, he has to approach the court concerned for his remedy. Instead of approaching the competent court, the petitioner has approached this court by way of filing this writ petition, which is not maintainable in law. In view of the above circumstances, the relief sought for by the petitioner cannot be granted.

7. In the result, the writ petition is dismissed with liberty to the petitioner to approach the competent court and get the appropriate relief in the manner known to law. No costs.

Sd/-

Assistant Registrar (CO)

/True copy/

Sub Assistant Registrar

To

1. The Deputy Superintendent of Police,
Economics Offences Wing-ii,
Madurai.

2. The Inspector of Police,
Economics Offences Wing,
Madurai.

3. The Government Advocate,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s. THE SPECIAL GOVERNMENT PLEADER, SR No. 15512

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PSM/SV-MMS/23.03.2017/3P/5C

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15.03.2017